

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

UNITED STATES OF AMERICA

vs.

CASE NO.: 4:18cr36-MW

KENNETH ALEXANDER,

Defendant.

_____ /

DEFENDANT'S SENTENCING MEMORANDUM

COMES NOW, the Defendant, KENNETH ALEXANDER, by and through his undersigned counsel, who files this Sentencing Memorandum regarding the sentencing scheduled for August 21, 2019. Mr. Alexander and counsel respectfully request that this Court consider the matters herein, the letters in support of defendant, and the matters to be presented at the sentencing hearing itself.

1. Mr. Alexander is 47 years of age. He was married for approximately 10 years but divorced in 2018. He has a 10-year-old son from the marriage, as well as two stepchildren. He apparently maintains good contact with the three children. He also has a 19-year-old son from a prior relationship. That relationship is fractured. Paragraph 65 of the PSR correctly notes that this son was involved in Mr. Alexander's prior passport offense.

2. Mr. Alexander was born and raised in Texas by his mother and maternal grandmother. It does not appear that his father played a role in his upbringing. Mr. Alexander came to Tallahassee in 1990 to attend Florida State. According to Wikipedia, he was a three-year starter on the FSU football team, to include the 1993 National Championship team. He was the leading tackler for the team from his linebacker position that year. He finished his collegiate career with 285 tackles. Per Wikipedia: “A respected team leader, Alexander served on FSU’s Alumni Board over a six-year span that ended in 2012.”

3. He played some professional football for the Kansas City Chiefs and the Barcelona Dragons. He thereafter attended and successfully completed law school at FSU but has not passed the bar exam.

4. Mr. Alexander has a previous federal conviction ¶53 PSR. The incident commenced in 2007 when Alexander sought to obtain a passport for his son. Further investigation led to Alexander submitting an altered official court document and then being untruthful with an investigator. He was sentenced a little more than 10 years ago. Due to his compliance, his period of supervised release was terminated early.

5. Mr. Alexander has obviously had a few relationship problems, as well as the two federal convictions. Counsel would like to be able to attribute these issues to some character flaw that Mr. Alexander possesses. Counsel is unable to do so. Counsel can offer only raw speculation that the violence inherent in

playing linebacker at the upper levels of college football, and then professionally, may have impacted Mr. Alexander in a negative way from a cognitive perspective. Mr. Alexander does, however, own up to his misdeeds when consulting with counsel.

6. Mr. Alexander attended a proffer session prior to his change of plea. During that session he agreed to provide the case agent with information regarding another entity in Tallahassee that he believed was engaged in the preparation of faulty tax returns. Alexander was asked to provide whatever documentation he had that would substantiate what he had indicated. A search of his files was fruitless. He was also asked if he would be able to provide information that might assist federal investigators examining the actions of Ra Power, a Utah solar power company that had misled many companies, individuals, and Alexander regarding purported tax benefits that might flow from investing in Ra's fraudulent scheme. As it turned out, Alexander's participation was not required.

7. Mr. Alexander understands that this second federal conviction and sentence will forever adversely affect his life. He offers no excuses for his behavior. He acknowledges his wrongdoing and is remorseful. He strongly recommends that others not engage in such activity.

8. Counsel suggests to the Court that it give consideration to the fact that Mr. Alexander's conduct does not involve violence, drugs, or guns. He is a

pleasant individual who, for whatever reason, opts to be less than candid. He has injured the federal government from a financial standpoint. He has injured taxpayers who trusted him. He will be required to pay an enormous amount of restitution. The PSR indicates accurately that his finances are in turmoil ¶¶77, 79 PSR. He does not appear to have the ability to pay a fine and requests that one not be imposed.

9. Mr. Alexander respectfully requests that this Court impose a sentence that is sufficient, but not greater than necessary, to comply with the purposes of sentencing as set forth in 18 USC § 3553(a)(2), and as amplified by the SCOTUS decisions in Gall v. United States, 128 S. Ct. 586 (2007), Kimbrough v. United States, 128 S. Ct. 558 (2007), Rita v. United States, 551 S. Ct. 338 (2007), Nelson v. United States, 129 S. Ct. 890 (2009), and their progeny.

10. Mr. Alexander understands that the Court must impose a two-year sentence regarding Count 12, which will be adjudged consecutive to whatever term of imprisonment the Court deems appropriate regarding the remaining counts of conviction. He respectfully requests that the Court consider the imposition of a sentence with respect to Counts 4 and 11 that is below the bottom of the guideline range determined by the Court.

11. Mr. Alexander respectfully requests that he be allowed to self-report to his BOP-designated facility.

Respectfully submitted,

/s/ William E. Bubsey
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was served electronically through the CM/ECF system on co-counsel Gary Roberts and Gary Milligan, Assistant United States Attorney, 111 North Adams Street, Fourth Floor, Tallahassee, Florida 32301 on this 20th day of August 2019.

/s/ William E. Bubsey
WILLIAM E. BUBSEY